





UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	- 09/594,978	06/15/2000	Varghese John	00270-US-NEW	8679
/	20306 7	7590 01/22/2003			
	MCDONNELL BOEHNEN HULBERT & BERGHOFF			EXAMINER	
	SUITE 3200 CHICAGO, IL	VACKER DRIVE		LUKTON, DAVID	
	CHICAGO, IL	. 00000		ART UNIT	PAPER NUMBER
				1653 DATE MAILED: 01/22/2003	(6

Please find below and/or attached an Office communication concerning this application or proceeding!

UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/59497	8		
ſ		1	
			EXAMINER
		ART UNIT	PAPER NUMBER
		, o	16
ι	•	J DATE MAILED:	

Commissioner of Patents

Please see the attached communication regarding sequence listings.

Please find below a communication from the EXAMINER in charge of this application.

Pursuant to the directives of paper No. 13 (filed 10/31/02), claims 2, 3, 7, 17, 18, 21, 22, 24-46, 48, 49, 53, 63, 64, 67, 68 have been cancelled, claims 1, 15, 20, 47, 60 amended, and claims 70-75 added. Claims 1, 4-6, 8-16, 19, 20, 23, 47, 50-52, 54-62, 65, 66, 69-75 are pending.

Applicants' arguments filed 10/31/02 are acknowledged herewith. A response thereto will be forthcoming after applicants have complied with the sequence rules.

*

The communication filed 11/18/01 is not fully responsive to the Office communication mailed 6/25/02 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

If a complete reply has not been submitted by the time the period set in this Office communication (one month) has expired, this application will become abandoned under 37 CFR 1.821(g) unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

Serial No. 09/594,978 Art Unit 1653

A reply to a notice to comply with the sequence rules should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office. (The disks are being irradiated by electron bombardment and are showing up melted, unreadable, and or crazed).

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio (http://www.uspto.gov/ebc/efs/downloads/documents.htm, EFS Submission User Manual - ePAVE)

2. Mailed to:

U.S. Patent and Trademark Office Box Sequence, P.O. Box 2327 Arlington, VA 22202

Mailed by Federal Express, United Parcel Service or other delivery service to:
 U. S. Patent and Trademark Office
 2011 South Clark Place
 Customer Window, Box Sequence
 Crystal Plaza Two, Lobby, Room 1B03
 Arlington, Virginia 22202

4. Hand Carried directly to the Customer Window at: 2011 South Clark Place Crystal Plaza Two, Lobby, Room 1B03, Box Sequence, Arlington, Virginia 22202

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is 703-308-3213. The examiner can normally be reached Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can be reached at (703) 308-2923. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

De Lattery

DAVID LUKTON
PATENT EXAMINER
GROUP 1800

PYOTECHNOLOGY YSTEMS BRANCH

CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/594978

Filing Date: 6/15/2000

Date Processed by STIC: 11/18/2002

STIC Contact: Mark Spencer, 703-308-4212

RECEIVED

NOV 2 5 2002

Nature of Problem:

TECH CENTER 1600/2900

	IEON OLIV
The C	CRF (was):
	melted melted
<u> </u>	(circle one) Damaged or Unreadable (for Unreadable, see attached)
	Blank (no files on CRF) (see attached)
	Empty file (filename present, but no bytes in file) (see attached)
	Virus-infected. Virus name: The STIC will not process the CRF.
	Not saved in ASCII text
	Sequence Listing was embedded in the file. According to Sequence Rules,
	submitted file should only be the Sequence Listing.
	Did not contain a Sequence Listing. (see attached sample)
	Other:

PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS. SEE BELOW FOR ADDRESS:

http:/www.uspto.gov/web/offices/pac/checker

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

- 1. EFS-Bio (http://www.uspto.gov/ebc/efs/downloads/documents.htm, EFS Submission User Manual ePAVE)
- 2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
- 3. Hand Carry directly to:

U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202

U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002

09/594978 Application No.:

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked —up "Raw Sequence Listing."
 - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other:

Applicant Must Provide:

An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216 or (703) 308-2923
- For CRF Submission Help, call (703) 308-4212
- For PatentIn software Program Support:
 - HELP DESK: (703) 739-8559, ext 508, M-F, 8 AM to 5 PM EST except holidays
 - Email: PATIN21HELP@uspto.gov
 - To purchase Patentin sofftware: (703) 306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE